

REMARKS

This application has been reviewed in light of the Office Action dated February 5, 2007. Claims 1-5, 7, 8, 11-14 and 16-19 are currently pending, of which Claims 1, 12 and 17 are in independent form. Claims 1, 12 and 17 have been amended to define more clearly what Applicant regards as his invention. Claims 6, 9, 10, 15 and 20 have been canceled. Favorable reconsideration is respectfully requested.

Initially, Applicant would like to thank the Examiner for the courtesies she extended during a telephone interview that she conducted on June 5, 2007, with Applicant's attorney concerning the application in general, and the Applicant's proposed responses to the objections and rejections described in the Office Action.

The Office Action included an objection to the drawings, asserting that the features in claims 6, 9, 10, 15 and 20 are not shown in the drawings. As mentioned above, Applicant has canceled these claims thus this objection is now moot. Applicant notes that the feature recited in claims 11 and 16 directed to the slotted openings is shown at least in FIG. 3, as reference numeral 10.

The Office Action also included an objection to the Specification, namely paragraph 6 of the original specification. As shown above, Applicant has amended this paragraph to make the changes recommended by the Examiner in the Office Action.

The Office Action also included an objection to Claim 9. As noted above, Claim 9 has been canceled, thus this objection is now moot.

The Office Action rejected Claims 10, 11 and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Section 112, second paragraph, rejection related to Claims 11 and 20 has been rendered moot since these claims have been canceled. With respect to Claim 11 and the recitation directed to "the openings" in line 1, Applicant submits that Claim 1 recites that the "horizontal leg includes 'openings'" for a second securing means, thus Applicant submits that this recitation does have proper antecedent basis and therefore request that this rejection be withdrawn.

The Office Action rejected Claims 1-3, 5, 7, 8, 11-13 and 16-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0051278 (Dobson); rejected Claims 1-5 and 11-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,707,202 (Sweeny); rejected Claims 6 under 35 U.S.C. § 103(a) as being unpatentable over Sweeny in view of U.S. Patent No. 5,473,791 (Holcomb et al.); and

rejected Claims 10 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Sweeny and Dobson. Applicant notes that the rejections directed to canceled Claims 6, 10, 15 and 20 have been canceled.

Applicant submits that the device recited in claim 1 is directed to a taping tool for cleaning taped seams of drywall. The tool includes a pole (5) having a general U-shaped bracket (14) at one end; a roller (2) connected by a first securing means such as for example a through bolt shown in FIGS. 1-3 to the general U-shaped bracket (5). The tool also includes a general L-shaped bracket (4) having a horizontal leg (11) and a vertical leg (12). In the device having the features recited in Claim 1, the horizontal leg (11) includes openings (10) for a second securing means such as for example a through bolt shown in FIGs. 1 & 2, and screws shown in FIG. 3 to secure the general U-shaped bracket (14) to said general L-shaped bracket (4). Applicant submits that the reference numerals added above and examples of the securing means are not intended to limit the aspects of the present invention. Rather, they are included herein in an effort to assist the Examiner in understanding the aspects of the device as recited in Claim 1.

Applicant further submits that an important aspect of the device is directed to the point that the taping tool recited in claim 1 is designed to *clean* taped seams of drywall, not to *apply* tape and compound to a seam as disclosed in Dobson. For the sake of clarity, Applicant submits that the recitation “cleaning” as used throughout the claims means using the roller over the taped seam to ensure there is a sufficient distribution of compound behind the tape and in the seam, and removing any excess compound with the blade to ensure there is a smooth finish so that a person of ordinary skill in the art can administer a second coat of compound to ensure a flat, seamless surface.

More specifically, the present invention as recited in Claim 1 is directed to a device as disclosed in the Abstract and in various sections of the Specification as: “The taping tool is used to finish taped seams by rolling the taped seam to evenly distribute the compound behind the tape and to set the tape in the seam, and using the blade to remove excess compound from the taped seam.” In Dobson, however, the aspects of the invention are directed to, as the title in Dobson states, an “Apparatus and Method for *Applying Tape* to Wall Board.” (emphasis added). Moreover, the Abstract in Dobson discloses an “apparatus adapted for *applying a material from a roll to a surface*, such as tape to a seam formed by abutting edges of adjacent wall board sheets, includes a frame for rotatably supporting the roll of material at a location remote from a user.” (emphasis added).

In addition to the points made above, since the purpose of cleaning the taped seams of drywall of a device having the features recited in Claim 1 is clearly different from the

purpose of applying tape and compound to a wall board as disclosed in Dobson, then the features of the device are different as well. For example, Claim 1 of the present invention requires a pole (5) having a simple U-shaped bracket (14) at one end; in the Office Action, the Examiner asserts that features (20a) and (20b) disclose these features. However, nothing in Dobson's specification would disclose a "U-shaped bracket" as shown in FIG. 3 of the present invention, i.e., in Dobson, none of the figures show a U-shaped bracket. In addition, in FIG. 1 of Dobson, the applicator includes a number of features including reference numerals 28, 32, 19, 24, 23, 27, 22, 21, 42, R ... all these extra features are needed because the Dobson device *applies* tape where the device recited in Claim 1 simply cleans the taped seams. Furthermore, the Dobson specification at paragraph [0031] discloses:

"[t]he side walls 20a, 20b are substantially parallel and define a space 17 between the walls within which the shaft 13 and roller R are carried. The space 17 also defines a pathway for the tape T to move from the roll R to an opening 14 in the frame 12 for dispensing. Those skilled in the art will appreciate that the design of the frame 12 facilitates easy loading and unloading of various types of tape rolls R."

This section provides further support that the Dobson device is intended to apply tape to wall board seams, not clean them as provided by a device having the features recited in Claim 1.

The Office Action also states that Dobson discloses "a roller (16) connected by a first securing means to the general U-shaped bracket (pin 18)." Applicant submits that Claim 1 requires a roller (2) connected by a first securing means such as a through bolt to the general U-shaped bracket (14). Even assuming that the Examiner's assertion above that Dobson discloses that features (20a) and (20b) show a U-shaped bracket, then any roller (2) as recited in Claim 1 of the present invention would have to include the roll "R" as shown in FIG. 1 of Dobson, which refers to a tape roll to apply tape to seams formed by abutting sheets of wall board as discussed in paragraph [0031] of Dobson's specification. This is simply not the case in the present invention as recited in claim 1 since the device does not use a roll "R" of tape to apply to a seam.

The Office Action also states that Dobson discloses "a general L-shaped bracket having a horizontal leg (36) and vertical leg (38)." However, paragraph [0036] of Dobson refers to reference numerals 36, 38 as a cutting member and a cutting blade, respectively, that are used to cut the tape "T" dispensed through the opening 14. In Claim 1 of the present invention, the device as described above includes the general L-shaped bracket (4) having a horizontal leg (11) and a vertical leg (12). In such a device the horizontal leg (11) includes openings (10) for a second securing means such as for example a through bolt shown in FIGs.

1 & 2, and screws shown in FIG. 3, to secure the general U-shaped bracket (14) to said general L-shaped bracket (4).

Applicant respectfully submits that at least for the reasons provided above, Claim 1 is patentable over Dobson.

The Office Action also rejected Claim 1 based on Sweeny. Applicant submits that Claim 1 is patentable over Sweeney for many of the same reasons as described above in relation to Dobson. For example, Sweeny, as mentioned in its title, is directed to a "Tape Applicator" thus the features are directed to applying tape from a roll accordingly. More specifically, the Abstract of the Sweeny patent discloses that "The invention provides a device for *applying tape* from a roll thereof to a surface. In particular, the device has utility for *applying drywall tape* to flat or corner joints formed by meeting sheets of drywall material. The device has a cast head and a handle attached to one end thereof, the head being adapted to releasably and rotatably mount a roll of tape therein." (emphasis added). Applicant submits that a person of ordinary skill reading the sections of Sweeny mentioned above, and the entire Sweeny patent, will readily understand that the Sweeny device is designed to apply tape, not to clean a taped seam as provided in Claim 1 of the present invention. In addition, the rollers 82 and 86 described in Sweeny allow a person of ordinary skill in the art to apply tape into, e.g., a corner section of the room by using the inverted V-shaped wheel 86.

The Office Action states that Sweeny discloses a general U-shaped bracket at one end (formed by 136 and 76). Applicant submits that these reference numbers refer to an upper leg of the device and a pin accordingly, and someone of ordinary skill in the art would not equate such leg and pin to the general U-shaped bracket recited in Claim 1 of the present invention. Moreover, the Office Action states that Sweeny discloses a general L-shaped bracket having a horizontal leg (146) and vertical leg (150), wherein the horizontal leg includes openings (where 148 is located) for a second securing means to secure the general U-shaped bracket to the general L-shaped bracket. Applicant submits that reference numerals 146 and 150 are directed to various flanges included in the Sweeny device and would not disclose the features recited in Claim 1.

Applicant respectfully submits that at least for the reasons provided above, Claim 1 is patentable over Sweeny.

Applicant further submits that independent claims 12 and 17 include similar features as recited in Claim 1 and for the reasons described above, these claims and the claims that depend from Claims 1, 12, and 17 are patentable over the cited art.

Applicant submits that the Section 103(a) rejections are moot in light of the cancellation of the claims related thereto.

In light of the above amendments and remarks, Applicant respectfully requests that the Examiner issue a Notice of Allowance in this case. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

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Respectfully submitted,



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